

REMARKS

By this amendment, claims 1-2, 4-6, 11, 13-15 and 17-21 have been amended. Various claims have been amended to place the same in better form. Claims 1-21 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, is respectfully requested.

Objection to the Claims

Claims 1-17 and 21 stand objected to because of informalities. The objection to the claims is believed overcome for at least the following reasons.

Claim 1 has been amended, in part, to clarify that "the thermally conductive first material" has "(i) a thermal conductivity higher than a thermal conductivity of the structural support second material and (ii) a deformation resistance lower than a deformation resistance of the structural support second material" and therefore is no longer vague or ambiguous. Claim 17 depends from claim 1, and thus is no longer believed vague or ambiguous.

Claim 2 has been amended, in part, to clarify that "the first material" has "(i) a thermal conductivity higher than a thermal conductivity of the second material and (ii) a deformation resistance lower than a deformation resistance of the second material" and therefore is no longer vague or ambiguous. Claims 3-16 depend from claim 2, and thus are no longer believed vague or ambiguous.

With respect to claim 21, the same has been amended to correctly depend from claim 20.

The objection to claims 1-17 and 21 is now believed overcome.

Rejection under 35 U.S.C. §102

Claim 1 recites an x-ray tube comprising:

a frame configured to enclose an evacuated chamber; and
an anode disposed within the evacuated chamber, wherein the frame includes a vessel configured to surround the anode, the vessel being defined by a combination of a liner of a thermally conductive first material and a framework of a structural support second material configured for supporting the liner and for providing at least one thermal window through which the liner is in thermal contact with both the evacuated chamber and a cooling fluid, the thermally conductive first material having (i) a thermal conductivity higher than a thermal conductivity of the structural support second material and (ii) a deformation resistance lower than a deformation resistance of the structural support second material.

Support for the amendments to claim 1 (as well as for claims 18 and 20) can be found in the specification at least on page 3, lines 17-19; page 6, lines 25-36; page 7, lines 18-20 and 32-34; page 10, lines 1-2; and in FIGs. 1-10.

Claims 1, 17, 18, 20 and 21 were rejected under 35 U.S.C. §102(e) as being anticipated by Arnold et al. (U.S. Patent 7,209,546, hereinafter "**Arnold**"). With respect to claim 1, Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, to sustain this rejection the **Arnold** reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the **Arnold** reference, the latter reference does not disclose an x-ray tube that features a vessel "... defined by a *combination* of a liner of a thermally conductive first material and a framework of a structural support second material ... for supporting the liner and ... *at least one thermal window* through which the *liner* is in *thermal contact* with both the *evacuated chamber* and a *cooling fluid* ..." (emphasis added) as is claimed in claim 1. Therefore, the rejection is not supported by the **Arnold** reference and should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Claim 17 depends from and further limits independent claim 1 and therefore is allowable as well. Accordingly, the 35 U.S.C. § 102(e) rejection thereof has now been overcome.

Independent claim 18 has been amended herein to include limitations similar to those of claim 1. Accordingly, claim 18 is believed allowable for at least similar reasons as presented herein above with respect to overcoming the rejection of claim 1, and an early formal notice thereof is requested.

Independent claim 20 has been amended herein to include limitations similar to those of claim 1. Accordingly, claim 20 is believed allowable for at least similar reasons as presented herein above with respect to overcoming the rejection of claim 1, and an early formal notice thereof is requested. Claim 21 depends from and further limits independent claim 20 and therefore is allowable as well.

Allowable Subject Matter

Claims 2-16 and 19 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Allowability of the claims is noted with appreciation. By this amendment, claim 2 has been rewritten in independent form, including all of the limitations of original claim 1 from which it had been dependent. Accordingly, claim 2 is now in prima facie condition for allowance. Claims 3-16 depend from and further limit claim 2 and thus are also allowable.

With respect to claim 19, the same depends from independent claim 18 and thus is believed prima facie allowable.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1, 2, 18 and 20 are in condition for allowance. Claim 17 depends from and further limits independent claim 1 and therefore is allowable as well. Claims 3-16 depend from and further limit claim 2 and therefore are allowable as well. Claim 19 depends from independent claim 18 and therefore is allowable as well. Claim 21 depends from and further limits independent claim 20 and therefore is allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-21 is requested.

Please charge any fees associated with the submission of this paper to Deposit Account No. 14-1270. The Commissioner is also authorized to credit any overpayments to the above-referenced deposit account.

Respectfully submitted,

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